

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRIAN BEARD,

Plaintiff,

vs.

CHRISTOPHER TUNNELL, et al.,

Defendants.

) CASE NO.: 1:23-CV-02389
)
) JUDGE: PAMELA A. BARKER
)
) **DEFENDANTS' ANSWER**
) **TO PLAINTIFF'S COMPLAINT**
)
) **(Jury Demand Endorsed Hereon)**
)

Now come Defendants, Christopher Tunnell and James Justice, by and through counsel Mazanec, Raskin & Ryder Co., L.P.A., and for their Answer to Plaintiff's Complaint state as follows:

1. Answering Paragraphs 1 and 2 of Plaintiff's Complaint, Defendants admit this Court has subject matter jurisdiction and the venue is proper. Further pleading, Defendants deny all remaining allegations.

2. Answering Paragraph 3 of Plaintiff's Complaint, Defendants are without sufficient information or belief to form an opinion as to the truth of the allegations and therefore deny the same.

3. Answering Paragraph 4 of Plaintiff's Complaint, Defendants admit that Christopher Tunnell is the Ashland County Prosecutor.

4. Answering Paragraph 5 of Plaintiff's Complaint, Defendants admit that James Justice is an Ashland County Commissioner.

5. Answering Paragraph 6 of Plaintiff's Complaint, Defendants are without sufficient information or belief to form an opinion as to the truth of the allegations and therefore deny the same.

6. Answering Paragraph 7 of Plaintiff's Complaint, Defendants are without sufficient information or belief to form an opinion as to the truth of the allegations and therefore deny the same.

7. Answering Paragraph 8 of Plaintiff's Complaint, Defendants are without sufficient information or belief to form an opinion as to the truth of the allegations and therefore deny the same. Further pleading, Defendants state that any affidavits speak for themselves, and the Defendants are without sufficient information or belief to form an opinion as to the truth of the allegations in the affidavits and therefore deny the same.

8. Answering Paragraph 9 of Plaintiff's Complaint, Defendants state that 42 U.S.C. § 1983 speaks for itself. Further pleading, Defendants are without sufficient information or belief to form an opinion as to the truth of the allegations and therefore deny the same.

9. Answering Paragraph 10 of Plaintiff's Complaint, Defendants admit that Plaintiff filed a case captioned as 23-CIV-091 in the Ashland County Common Pleas Court. A copy of the Judgment Entry dismissing the case is attached hereto as Exhibit A. Further answering, Defendants deny all remaining allegations contained therein.

10. Answering Paragraph 11 of Plaintiff's Complaint, Defendants reaver and reallege all the admissions and denials contained in Paragraphs 1-9 in this Answer as if fully rewritten herein.

11. Answering Paragraph 12 of Plaintiff's Complaint, Defendants state that all case law and citations to the Constitution speak for themselves. Further pleading, Defendants deny any remaining allegations contained therein.

12. Answering Paragraph 13 of Plaintiff's Complaint, Defendants deny all allegations contained therein.

13. Answering Paragraph 14 of Plaintiff's Complaint, Defendants deny all allegations contained therein.

14. Answering the WHEREFORE and Paragraph 15 of Plaintiff's Complaint, Defendants deny all allegations contained therein.

15. Answering Paragraphs 16, 17, 18, 19, 20, 21 of Plaintiff's Complaint, Defendants deny all allegations contained therein.

AFFIRMATIVE DEFENSES

FIRST DEFENSE

16. Defendants reallege and reaver all the admissions, averments and denials contained in Paragraphs 1 through 15 of their answer as if fully rewritten herein.

17. Plaintiff's claims in whole or part fails to state a claim upon which relief can be granted.

SECOND DEFENSE

18. Plaintiff's state law claims are barred in whole or part by Chapter 2744 of the Ohio Revised Code.

THIRD DEFENSE

19. Plaintiff's claims are barred in whole or part by prosecutorial immunity.

FOURTH DEFENSE

20. Plaintiff's claims are barred in whole or part by qualified immunity.

FIFTH DEFENSE

21. Plaintiff's Complaint for injunctive relief is barred by the doctrine on unclean hands, estoppel, and/or estoppel.

WHEREFORE, having fully answered, Defendants pray that Plaintiff's Complaint be dismissed, and that they go hence without cost or delay.

Respectfully submitted,

MAZANEC, RASKIN & RYDER CO., L.P.A.

s/ John T. McLandrich

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*Counsel for Defendants Christopher Tunnell and
James Justice*

JURY DEMAND

A trial by jury composed of the maximum number of jurors permitted under the law is hereby demanded.

s/ John T. McLandrich

JOHN T. MCLANDRICH (0021494)

EDMOND Z. JABER (0096355)

*Counsel for Defendants Christopher Tunnell and
James Justice*

CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2024, a copy of the foregoing Defendants' Answer to Plaintiff's Complaint was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system and via regular U.S. Mail to:

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Pro Se Plaintiff

s/ John T. McLandrich

JOHN T. MCLANDRICH (0021494)

EDMOND Z. JABER (0096355)

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